

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEFA TRADING & INDUSTRIES LTD.,

Plaintiff,

Civil Action No.
04-CV-547

vs.

HON. BERNARD A. FRIEDMAN

KEFA U.S.A. INDUSTRIES, et al.,

Defendants.

ORDER DIRECTING PLAINTIFF TO SHOW CAUSE
WHY THE COMPLAINT SHOULD NOT BE DISMISSED
FOR LACK OF PROSECUTION

On October 27, 2005, this matter came before the court on defendants' motion for summary judgment. The court granted the motion as to Count I of the complaint but denied it as to Count II. The court also ordered "that the parties meet and confer in an effort to resolve Count II by stipulation. The parties are to report the results of these efforts to the court no later than November 10, 2005." Count II seeks an accounting of defendants' records as required by the parties' contract.

On November 17, 2005, plaintiff filed a document entitled "Update on Response to Order," which states: "Plaintiff, being residing in China, has found two C.P.A.s for possible cpa selection by both parties. Defendant has provided three cpa. Both parties are still try to provide a stipulation and order to the Court as to Count II."

In the intervening three and one-half months, the parties have not, to the court's knowledge, moved forward with the accounting or taken any other action in this case. The court assumes either that the accounting dispute has been resolved or that plaintiff is no longer interested in pursuing the matter. Accordingly,

IT IS ORDERED that plaintiff show cause, in writing, within ten (10) days of the date of this order why the court should not dismiss Count II of the complaint pursuant to Fed. R. Civ. P. 41(b) for lack of prosecution. If plaintiff fails to response to this order, or if plaintiff fails to show sufficient cause, the court shall dismiss Count II.

Dated: March 6, 2006
Detroit, Michigan

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
CHIEF UNITED STATES DISTRICT JUDGE
SITTING BY SPECIAL DESIGNATION